

## **REMARKS / ARGUMENTS**

### ***Remaining Claims***

Seven (7) claims (Claims 1 and 6 - 11) remain pending in this application through this Amendment. Claims 5 and 12 have been deleted and Claim 1 has been amended herein. As explained in more detail below, Applicant has amended the claims to more clearly point out and distinctly claim the invention, and submit that all claims are now in condition for allowance and respectfully request such action. Attached hereto is a marked-up version of the changes made to the claims by the present amendment. The attached page is captioned "Version With Marking To Show Changes Made."

### ***Rejection of Claim 5 under 35 USC §112, second paragraph***

Claim 5 stands rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 5 has been deleted. However, its limitations have been incorporated into Claim 1 in a corrected form to overcome Examiner's rejection. Applicant, therefore, respectfully requests that this rejection be withdrawn.

### ***Rejection of Claims 1 and 8 – 11 under 35 USC §102(e) – Hoffmann, et al.***

Claims 1 and 8 – 11 stand rejected under 35 USC §102(e) as anticipated by US Patent No. 6,228,115 to *Hoffmann, et al.*

Claim 1 has been amended to incorporate the limitations of Claim 5 and to specify that the thickness of the haptic at the point of attachment to the lens. Accordingly, a rejection based on §102(e) is moot.. Applicant, therefore, respectfully requests that this rejection be withdrawn.

### ***Rejection of Claims 5 and 12 under 35 USC §103(a) - Hoffmann, et al. in view of Kelman***

Claims 5 and 12 stand rejected under 35 USC §103(a) as being obvious under US Patent No. 6,228,115 to *Hoffmann, et al.* in view of US Patent No. 4,871,363 to *Kelman*.

Claims 5 and 12 have been canceled. However, the limitations of Claim 5 have been incorporated into Claim 1. Claim 1 has been further amended to specify that the each haptic has a "thickness between the range of 0.25 mm to 0.35 mm at the point of attachment to said lens." This amendment finds support in the specification at page 16,

lines 14 – 16. As stated in the specification at page 15, the flexure of the implant is a unique feature of the present invention that is “obtained by lengthening the intermediate beam length and thinning the transition between the haptic and the optic, which reduced axial displacement during compression.” No such teaching is found in either Hoffman or Kelman.

Therefore, since the cited combination of prior art does not fairly teach or suggest the claimed invention, Claims 1 and 8 – 11 are not rendered obvious by *Hoffmann, et al.* in view of *Kelman*. Applicant, therefore, respectfully requests that this rejection be withdrawn.

***Rejection of Claims 6 and 7 under 35 USC §103(a) - Hoffmann, et al. in view of Li***

Claims 6 and 7 stand rejected under 35 USC §103(a) as being obvious under US Patent No. 6,228,115 to *Hoffmann, et al.* in view of US Patent No. 6,132,462 to *Li*.

Claims 6 and 7 are dependent, directly or indirectly, from Claim 1. As discussed above, Claim 1, as amended, is not anticipated or obvious in view of the prior art. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

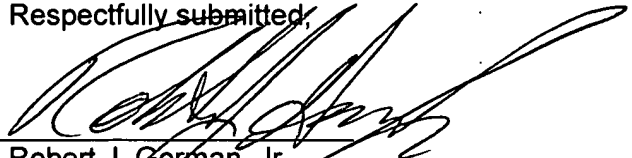
**CONCLUSION**

In view of the foregoing and in conclusion, Applicant submits that the 35 USC §§102, 103, and 112 rejections set-forth in the Office Action have been overcome, and that the pending claims are not indefinite, anticipated by, or obvious over the cited art, either individually or in combination. Applicant requests reconsideration and withdrawal of the rejection(s) set-forth in the Office Action. Should the Examiner believe that a discussion with Applicant's representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned.

Application No.: 09/576,094

Please address all correspondence to Novartis Corporation, Corporate Intellectual Property, One Health Plaza, Bldg. 430, East Hanover, NJ 07936-1080. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

Respectfully submitted,



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**VERSION WITH MARKING TO SHOW CHANGES MADE**

***In th Claims***

Please delete Claims 5 and 12.

Please amend Claim 1 as follows:

1. (amended) A positive power anterior chamber ocular implant for placement in the anterior chamber of a phakic eye comprising a positive artificial refracting lens having at least one convex surface and a means for positioning the lens in the anterior chamber of the eye, wherein contact between the positive refracting lens and other anatomic bodies is avoided, wherein the means for positioning avoids contact with the iris and corneal endothelium;

wherein said means for positioning the positive refracting lens comprises two haptics arranged in an "S" configuration having a four point attachment and each haptic having an intermediate beam length of approximately 5.25 mm and a thickness between the range of 0.25 mm to 0.35 mm at the point of attachment to said lens.